



RICK W. KENNEDY

Partner

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Rick joined Hodgson Russ as an associate in 1983 and became a partner in 1990. He concentrated his practice on complex environmental matters and the law governing lawyers. Rick also served the firm as its co-general counsel and loss prevention partner, and as a member of its board of directors and compensation committee for more than two decades. He served as the firm's managing partner from 2016 to February 2022.

Honors

- Listed, *Best Lawyers in America* (Environmental Law) 2014 - 2024
- Listed, *Upstate New York Super Lawyers* (Environmental) 2007 - 2023
- *Buffalo Business First's* Power 250, 2019 - 2021
- Listed, *Buffalo Business First/Buffalo Law Journal's* Legal Elite of Western New York Legal Leader, 2017 - 2020
- Listed, Buffalo Environmental Law "Lawyer of the Year" in *Best Lawyers in America*, 2018, 2020
- Listed, *Chambers USA: America's Leading Lawyers for Business*
- *Buffalo Business First's* Who's Who in Law (Environmental Law)

Experience

Ongoing representation of an international agricultural chemical company in a multiple operable unit RCRA corrective action matter with the NYSDEC and USEPA, including the cleanup and management of a number of off-site locations.

Ongoing representation of an industrial manufacturer with the negotiation of, and compliance with, numerous Federal and State Consent Orders, as well as a Consent Decree filed in Federal District Court involving the United States Department of Justice and the New York State Attorney Generals' Office. Responsibilities have

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Practices & Industries

Canada-U.S. Cross-Border
Environmental
Manufacturing

Admissions

New York
U.S. District Court, Western District
of New York

Education

Buffalo State, State University of
New York, B.A., summa cum laude
University at Buffalo School of Law,
J.D., magna cum laude

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included regular interaction with government agency representatives, the client, and the engaged third-party consultants in managing compliance with all applicable obligations.

Hodgson Russ has represented major industrial manufacturers in transferring environmental liabilities and related legal exposures and obligations to financially sound third parties for a fixed sum. In such cases, the client has monetized the large and uncertain risks arising from the need to remediate legacy contamination and the associated tort, reuse, and redevelopment risks. Each transfer involved the use of sophisticated environmental insurance products and other risk transfer assessments, allowed the client to remove the reserves established for those liabilities and exposures, and ultimately resulted in the successful redevelopment of the contaminated property.

Hodgson Russ represents a private manufacturer of raw materials against claims asserted by the New York State Department of Environmental Conservation and U.S. Environmental Protection Agency regarding various environmental requirements and statutes.

A victory in federal court by a team of Hodgson Russ attorneys put an end to a seven-year lawsuit and extinguished the risk of our client paying millions in damages and other costs arising from claims of federal and state environmental law violations. The matter involved a facility owned and operated by our client, a manufacturer. Over the course of decades of operation, our client's facility became heavily contaminated with chemical residues. Some of those residues migrated off site into the surrounding community. Hodgson Russ represented this manufacturer in connection with an administrative order on consent entered into with the U.S. Environmental Protection Agency (EPA) and the State Department of Environmental Conservation under the Resource Conservation and Recovery Act (RCRA). Our client is performing the work required by the administrative order and is making extensive efforts to benefit the community. Despite our client's efforts, four families from the surrounding community sued the manufacturer in federal court under the citizen suit provisions of several federal statutes, claiming that our client was not complying with the requirements of various environmental statutes and that EPA was not effectively enforcing them. The families asked the federal court to intervene and to order our client to do more remediation faster. They also asserted claims for personal injury and property damage. The Hodgson Russ team successfully defeated the plaintiffs' claims in court. In his decision, the presiding judge granted our motion to disqualify the plaintiffs' expert and for summary judgment. The case was dismissed entirely — freeing our client to focus on completing the corrective action program without judicial intervention and to remove a substantial liability reserve from its books. Subsequent efforts by the plaintiffs to revive the suit have also been defeated.

Hodgson Russ represented a Fortune 1000 company in the acquisition of the interests and real property of a privately held specialty parts manufacturer with locations on four continents. Our responsibilities included environmental due diligence review, the management of various environmental consultants, risk analyses related to various acquired properties, and contract drafting and negotiation.

Hodgson Russ represented a premier U.S. hardwood lumber company in its acquisition of a privately held hardwood company with 11 saw mills in four mid-Atlantic and southern states. The acquisition involved extensive environmental, real estate, tax, and zoning issues at all locations. Our attorneys successfully structured the complex deal, including determining the type of purchase to pursue and its implementation. This acquisition required the client to obtain a new credit facility to finance the transaction. For this same client, Hodgson Russ performs five to six acquisitions of varying size and complexity every year. Hodgson Russ represented the family-owned specialty chemical manufacturer in connection

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with the sale of the company to a large private-equity fund. The transition included the sale in both the U.S. and Europe and included the use of representation and warranty insurance in connection with the purchase agreement.

Hodgson Russ represented a large, multinational wood treatment corporation in its sale to certain funds managed by a large global investment private equity fund. Responsibilities included overseeing seller-side environmental due diligence, the management of various environmental consultants, contract drafting and negotiation, and other related responsibilities.

In the News

Legal Industry Finds Ways to Compete in Tight Talent Market

Buffalo Business First, February 1, 2022

From 'core hours' to anything goes, how businesses cope with school reopenings

The Buffalo News, August 28, 2020

Hodgson Russ Continues to be Here for You

April 2, 2020

Rick Kennedy and Daniel Oliverio Selected to Buffalo Business First Power 250

Buffalo Business First, February 26, 2019

Highlights of CARDD's 2018 Inclusion & Diversity Initiatives

January 15, 2019

BLJ: Klein takes the reins at Hodgson Russ

Buffalo Business First, February 19, 2018

Highlights of CARDD's Inclusion & Diversity Initiatives

January 17, 2018

Attorneys Invest In Model That Fits For All

Buffalo Law Journal, August 8, 2016

Kennedy: 'Legendary' Hodgson CEO was a true mentor

Buffalo Law Journal, February 22, 2016

Kennedy Named president/CEO at Hodgson Russ

Buffalo Law Journal, February 1, 2016

Press Releases

55 Hodgson Russ LLP Attorneys Named to 2023 *Upstate New York Super Lawyers* List

August 23, 2023

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83 Hodgson Russ LLP Attorneys Ranked in 2024 Edition of *Best Lawyers in America*
August 17, 2023

Fifty-Nine Hodgson Russ Attorneys Ranked in 2022 Edition of Upstate New York Super Lawyers
Hodgson Russ Press Release, August 23, 2022

71 Hodgson Russ Attorneys Ranked in 2023 Edition of *Best Lawyers in America*
Hodgson Russ Press Release, August 19, 2022

Fifty-Four Hodgson Russ Attorneys Ranked in 2021 Edition of Upstate New York Super Lawyers
Hodgson Russ Press Release, August 20, 2021

55 Hodgson Russ Attorneys Ranked in 2022 Edition of *Best Lawyers in America*
Hodgson Russ Press Release, August 19, 2021

Sixty-Two Hodgson Russ Attorneys Named to 2020 Upstate New York Super Lawyers
Hodgson Russ Press Release, September 8, 2020

55 Hodgson Russ Attorneys Ranked in 2021 *Best Lawyers in America*
Hodgson Russ Press Release, August 20, 2020

Eight Hodgson Russ Attorneys Named to 2019 Buffalo Business First Legal Elite
Hodgson Russ Press Release, September 23, 2019

52 Hodgson Russ Attorneys Named to Various *Best Lawyers* Listings
Hodgson Russ Press Release, August 20, 2019

Publications

EPA Finalizes Standards Impacting Hazardous Air Pollution Emissions at Gasoline Distribution Facilities
Hodgson Russ Environment & Energy Alert, March 29, 2024

NYSDEC Releases New Draft Guidance Related to Discharges of PFOA, PFOS and 1,4-Dioxane for Public Review and Comment
Hodgson Russ Environmental Alert, January 25, 2024

Updated Alert on Revised ASTM Standard
Hodgson Russ Environmental Alert, March 22, 2022

On the Horizon: A Revised ASTM Standard for Conducting Phase I Environmental Site Assessments
Hodgson Russ Environmental Alert, November 5, 2021

EPA Announces Two Proposed Rulemakings to Regulate PFAS Under RCRA
Hodgson Russ Environmental Alert, November 2, 2021

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EPA Announces a Multifaceted Approach to Regulating PFAS

Hodgson Russ Environmental Alert, October 20, 2021

New York City Adopts Climate Resiliency Law

Hodgson Russ Environmental and Renewable Energy Alert, March 24, 2021

New York State Department of Environmental Conservation Proposes Regulations for Reducing Statewide Greenhouse Gas Emissions Through 2050

Hodgson Russ Environmental and Renewable Energy Alert, August 20, 2020

U.S. Department of Justice to Utilize Enforcement Discretion on “Overfiling” Authority for State-led Clean Water Act Civil Enforcement Matters

Hodgson Russ Environmental Alert, August 12, 2020

New York Adopts Aggressive Drinking Water Standards for Emerging Contaminants PFOA, PFOS, and 1,4-Dioxane

Hodgson Russ Environmental Alert, August 6, 2020

Presentations & Events

Environmental & Energy Law Section Annual Meeting and Expo 2020

New York Hilton Midtown - NYC, January 30, 2020

The Intelligence Revolution: Big Data Means Business Summit

Albright-Knox Art Gallery’s Auditorium, 1285 Elmwood Avenue, Buffalo, NY, June 2, 2016

Current Issues in Environmental Law

Hodgson Russ, Buffalo, NY, March 30, 2011

Professional Affiliations

- New York State Bar Association: Environmental Law Section
- Executive Director, United States Law Firm Group (USLFG)

Community & Pro Bono

- Member, Board of Directors, Kingdom Come Development Foundation
- Founding Member & Co-Chair, Board of Directors: EduNations, Inc.
- Member, Board of Directors: Sierra Leone Alliance of Western New York
- Member, Board of Directors: Invest Buffalo Niagara
- Member, Steering Committee: First Tee Foundation of Western New York